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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,148	06/24/2002	Kiyokazu Ikeda	SONYJP 3.3-796	9928
530 7590 01/10/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER TESLOVICH, TAMARA	
			ART UNIT 2137	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/088,148

Applicant(s)

IKEDA, KIYOKAZU

Examiner

Tamara-Teslovich

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2007 has been entered.

Claims 3-4 and 6-8 remain cancelled.

Claims 1-2, 5, 9, 12 and 17 are amended.

Claims 1-2, 5, and 9-17 are pending and herein considered.

### ***Response to Arguments***

Applicant's arguments, filed March 16, 2007, with respect to the rejection(s) of claim(s) 1, 2, 5 and 9-16 under 35 U.S.C. 102(e) in view of United States Patent No. 6,856,820 B1 to Kolls have been fully considered but are not persuasive.

Applicant's arguments appearing on page 10 center around Applicant's newly amended claim limitations and Kolls' alleged failure to teach or disclose a system in which "the service server is operable to provide content data which recommends that a user obtain updated information corresponding to the current position in response to the navigation information." The Examining respectfully disagrees with Applicant, drawing

attention first to column 2 lines 59 through 64 in which Koll provides a listing of issues with which he is trying to solve, including but not limited to "timely engine control system firmware updated, engine performance updated, maintenance information, vehicle information, timely online vehicle or engine service warnings, or other timely vehicle information or updates." Kolls goes on in column 34 lines 20 through 35 to explain the means by which the in-vehicle device is able to communicate with Com devices, secondary in-vehicle devices, Internet based servers, and Internet appliances. Such communication may include the transmittal of user metrics and preferences. Looking particularly to lines 30 through 35, Kolls provides for "data communication between the in-vehicle device 200 and an Internet based server" which "allows both the server and the in-vehicle device 200 to be programmer, or update other elements within a plurality of databases." Furthermore, Kolls goes on to explicitly provide in columns 43 and 44 for the updating to all necessary databases. In lines 59 through 65 Kolls provides a list of updates including posts to user databases, posts to promotion databases, statistical data related to an individual user, user responses, promotional statistics and metrics. In lines 66 through 67, Kolls calls for "a routing 1200 for the selection of digital content based in part on GPS telemetry." In lines 1 through 10 of column 44 Kolls discloses the "selection of digital information content based in part on GPS telemetry" which allows for "interactive advertising, road hazard warnings, maps, service information, or other e-business transactions and e-commerce transactions to be data communications and transacted by way of an in-vehicle device." The selection of such data and transactions can be base in part on "user preferences, server settings, vehicle telemetry or metrics,

or GPS location data." Kolls even goes so far as to provide for the "querying" of data sets "based in part on GPS location data communicated by the in-vehicle device 200" in column 46 lines 11 through 19. Results of such a query may include "restaurant, service centers, entertainment, maps, hazard warnings or other local business information preferable geographically relevant based on GPS location data."

It is based upon these particular citations within Kolls in view of the reference in its entirety that the Examiner disagrees with Applicant's allegation that Kolls fails to teach or suggest a system in which "the service server is operable to provide content data which recommends that a user obtain updated information corresponding to the current position in response to the navigation information." As such, the Examiner maintains her previously set forth 35 U.S.C. 102(e) rejections of claims 1, 2, 5, and 9-17, amended below in accordance with Applicant's amendments.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1, 2, 5 and 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,856,820 B1 to Kolls.**

Regarding **claim 1**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), including, at least, a plurality of electronic appliances, a service server (Internet based server), a communication network, and an authentication server being connected to the communication network; each electronic appliance (in-vehicle device) being equipped with a wireless communication terminal function, being mounted in a moving body, and being assigned a unique device ID, and the service server (Internet based server) having a function for providing a predetermined service and storing said unique device ID for each electronic appliance to which service can be provided, the service providing system comprising; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access a respective electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; registration means for registering said unique device ID assigned to said each electronic appliance and transmission means for using said unique device ID to provide access, via communication network, from the service server (Internet based server) to a specified electronic appliance to which a specified service needs to be provided and transmitting service information, which has a predetermined content for realizing the specified service, to the specified electronic appliance, in which the communication terminal apparatus and the service server can access the electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which the respective electronic appliance is operable to obtain navigation information regarding a current position of the respective

moving body and in which the service server is operable to provide content data which recommends that a user obtain updated information corresponding to the current position in response to the navigation information (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19).

Regarding **claim 2**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), including, at least, a plurality of electronic appliances, a service server (Internet based server), a communication network, and an authentication server being connected to the communication network; each electronic appliance (in-vehicle device) being equipped with a wireless communication terminal function, being mounted in a moving body , and being assigned a unique device ID, and the service server (Internet based server) having a function for providing a predetermined service and storing said unique device ID for each electronic appliance to which service can be provided, the service providing system comprising; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access a respective electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; first transmission means for providing access, via said communication network, from one of said electronic appliances to said service server (Internet based server) and transmitting information which has a predetermined content that can be used by a specified service from said one of said electronic appliances to said service server (Internet based server); and second transmission means for using said unique device ID to provide

access, via said communication network, from said service server (Internet based server) to a specified electronic appliance to which a specified service needs to be provided and transmitting service information, which has a predetermined content for realizing the specified service, to the specified electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20); in which the communication terminal apparatus and the service server can access the electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which the respective electronic appliance is operable to obtain navigation information regarding a current position of the respective moving body and in which the service server is operable to provide content data which recommends that a user obtain updated information corresponding to the current position in response to the navigation information (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19).

Regarding **claim 5**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), composed of an electronic appliance, a communication network, a communication terminal apparatus, and an authentication server, the electronic appliance (in-vehicle device) being one of an electronic appliance that mounted in a moving body and is equipped with a mobile communication terminal function and a mobile communication terminal apparatus (global appliance/internet appliance) with a fixed access path to the communication network and the authentication server being connected to said communication network, the service providing system comprising;



access means that enables the communication terminal apparatus (global appliance/internet appliance) to access the electronic appliance via the communication network using a device ID store in a service server that has been assigned uniquely to the electronic appliance, the communication terminal apparatus accessing the electronic appliance only through the authentication server; terminal ID generating means , provided on said communication network, for generating a terminal ID for said communication terminal apparatus using information that identifies said fixed access path by which said communication terminal apparatus accesses said communication network; registration means for registering said unique device ID assigned to each electronic appliance and authentication process means provided in said authentication server, for using said terminal ID to perform an authentication process for said communication terminal apparatus that has accessed the authentication server and allowing said communication terminal apparatus to access said electronic appliance only when the communication terminal apparatus has been authenticated; and transmission/reception means for receiving and transmitting service information, which has a predetermined content for realizing a specified service, between said communication terminal apparatus that has been authenticated by said authentication process means and said electronic appliance (uniquely identify and transfer information), in which the service server can access the electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which the respective electronic appliance is operable to obtain navigation information regarding a current position of the respective

moving body and in which the service server is operable to provide content data which recommends that a user obtain updated information corresponding to the current position in response to the navigation information (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19).

Regarding **claim 9**, Kolls discloses a communication apparatus (col.2 lines 5-65) for controlling communication between a plurality of electronic appliances, each electronic appliance being connected to a network, being provided with a unique device ID for identifying the electronic appliance, and being capable of transmission, the communication apparatus comprising communication means for communicating with another communication apparatus via said network; storage means for storing group information in which the plurality electronic appliances, which are permitted to communicate between themselves after the communication is authenticated, are registered as a group; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access the electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; registration means for registering said unique device ID assigned to each electronic appliance; a service server operable to provide service information to one or more of the electronic appliances; and judgment means for judging, based on unique device IDs transmitted via the network before communication commences between said plurality electronic appliances and group information stored in said storage means, whether the communication is permitted;

control means for having said communication means transmit a result judgment means to an exchange apparatus that is connected to said network and performs an exchange process for communication between electronic appliances based on the transmitted unique device IDs, in which the respective device and the service server can access the respective electronic appliance or appliances only through the authentication server (uniquely identify and transfer information) (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which the respective electronic appliance is mountable in a moving vehicle and is operable to obtain navigation information regarding a current position of the respective moving body and in which the service server is operable to provide content data which recommends that a user obtain updated information corresponding to the current position in response to the navigation information (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19).

Regarding **claim 10**, Kolls discloses wherein a wireless communication is performed between said electronic appliances and the exchange apparatus (col.3 line 45 thru col.4 line 20).

Regarding **claim 11**, Kolls discloses wherein said electronic appliances are navigation apparatuses (col.3 line 45 thru col.4 line 20).

Regarding **claim 12**, Kolls discloses wherein one or more of said electronic appliances are mobile telephones (col.3 line 45 thru col.4 line 20).

Regarding **claim 13**, Kolls discloses wherein each of said electronic appliances is connected to said communication means in said exchange apparatus, and when communicating, each of said electronic appliances transmits said unique device ID to said communication apparatus, said exchange apparatus transmits a communication means ID for specifying said communication means to said communication apparatus, said communication apparatus authenticates said electronic appliance based on said group information, by referring combination of said transmitted unique device ID and said transmitted communication means ID (col.1 lines 40-48, col.5 lines 42-63).

Regarding **claim 14**, Kolls discloses wherein the group information is generated when an electronic appliance communicates with the communication apparatus via the network (col.3 line 45 thru col.4 line 20).

Regarding **claim 15**, Kolls discloses wherein the group information also includes content data that can be used by the electronic appliances which are registered in the group information (col.3 line 45 thru col.4 line 20).

Regarding **claim 16**, Kolls discloses wherein the content data is geographical information (col.3 line 45 thru col.4 line 20).

Regarding **claim 17**, Kolls discloses a service providing system operable within the Internet, said system comprising a navigation unit mountable in a vehicle and operable to provide navigational and positional information of the vehicle to an operator of the vehicle, said navigation unit being assigned a unique identification ID (col.32 line 49 through col.33. line 34); a service server operable to provide a predetermined service and to store said unique ID for said navigation unit to which service can be provided (col.34 lines 36-62; col.35 lines 1-15); a communication network connectable to the Internet (col.34 lines 19-43); an authentication server operable to determine if access to the navigation unit is permissible (col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23); and a communication terminal apparatus connectable to the navigation unit and the communication network and operable to enable information to be supplied to the navigation unit from the Internet by way of the communication network and to enable service information to be supplied to the navigation unit by use of said unique ID from the service server by way of the Internet and the communication network (col.34 lines 36-62; col.35 lines 1-15), in which the communication terminal apparatus and the service server can access the navigation unit only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which the navigation unit is operable to obtain navigation information regarding a current position of the respective moving body and in which the

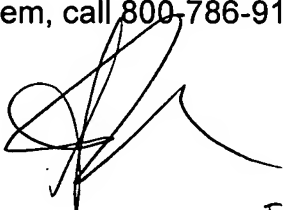
service server is operable to provide content data which recommends that the operator obtain updated information corresponding to the current position in response to the navigation information (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19).

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



T. Teslovich

  
CYNTHIA BRITT 1-6-08  
PRIMARY EXAMINER